

# Exhibit 55

# **Declaration of** **Jacqueline Orr**

I, Jacqueline Orr, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Director of the Division of Community Services (DCS) at the New York State Department of State (NYSDOS). I am the Department's CSBG Authorized Official and CSBG Point of Contact.

2. Prior to assuming the position of Director of the DCS at NYSDOS, I previously was the CEO at the New York State Community Action Association (NYSCAA), the state-wide association supporting Community Action Agencies (CAA) across the state through professional development, technical assistance, capacity building, and engagement opportunities. Prior to NYSCAA, I worked as the CSBG State Assistance Director at the National Association for Community Services Programs (NASCSPP), the national membership association that provides technical assistance to states that administer the CSBG grant.

3. I am familiar with the information in the statements set forth below either through personal knowledge, consultation with NYSDOS staff, or from my review of relevant documents and information.

4. NYSDOS is one of the oldest and most diverse agencies in state government. It works to make New York State a more welcoming, equitable, and prosperous place. NYSDOS's core mission is to provide a better quality of life and expand opportunities for all New Yorkers by, among other things, assisting individuals and families to achieve upward economic mobility and helping all vulnerable low-income communities in New York State.

5. Since 1982, NYSDOS has administered New York State's Community Services Block Grant (CSBG). The CSBG is a "federally funded block grant in the Office of Community Services, Administration for Children and Families, United States Department of Health and

Human Services that provides funds to states, territories, and tribes to administer to support services that alleviate the causes and conditions of poverty in under resourced communities.”<sup>1</sup>

6. I submit this Declaration in support of the State’s Motion for a Preliminary Injunction to block a Notice issued by HHS on July 10, 2025, entitled “Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ‘Federal Public Benefit’” (the “HHS PRWORA Notice”), which took effect upon publication in the Federal Register on July 14.<sup>2</sup> In the HHS PRWORA Notice, HHS has classified the CSBG as providing “Federal public benefit[s],” under 8 U.S.C. § 1611(c).

7. The CSBG funding New York receives is formula funding. HHS is required by statute to “allot to each State . . . an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 . . . except—‘(1) that no State shall receive less than 1/4 of 1 percent of the amount appropriated under section 674(a) for such fiscal year’” and that allotments can increase if congress appropriates a larger amount of funds. 42 U.S.C. §§ 9906(a)-(b).<sup>3</sup> One of key requirements of the program is to support charitable organizations that assist families whose annual incomes generally do not exceed 125% of the poverty line in order to prevent or alleviate poverty among such individuals and families. 42 U.S.C. § 9902(2). Recent appropriations have permitted eligibility up to 200% of the poverty line. Public Law 118-47. The Federal Poverty Level (FPL) is a basic subsistence measure, it does not reflect expenses such as housing, healthcare, childcare or transportation. 200% of the

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<sup>1</sup> U.S. Office of Community Services, An Office of the Administration for Children & Families, Community Services Block Grant, *About CSBG* (last updated Mar. 25, 2025), [Community Services Block Grant \(CSBG\) | The Administration for Children and Families](#).

<sup>2</sup> Federal Register / Vol. 90, No. 132 on Monday, July 14, 2025; Docket ID. AHRQ–2025–0002.

<sup>3</sup> The Community Services Block Grant Act, Public Law 105-285 (Oct. 27, 1998), [leg title ii community services block grant act 10271998.pdf](#) (containing the most recent reenactment of the CSBG).

poverty level is still far below what most people consider a stable income, leaving families economically vulnerable.

8. For fiscal year 2025, New York's CSBG allocation is approximately \$66.5 million.

9. NYSDOS currently subgrants to 47 "Community Action Agencies," which are predominantly nonprofit organizations that provide direct services to individuals in communities. New York's Community Action Agencies provide critical services, including emergency food, utility, and housing assistance.

10. None of the Community Action Agencies in New York verify immigration status for CSBG. They solely provide services based on income and regardless of immigration status. NYSDOS has relied on the longstanding HHS position that States can provide CSBG funds regardless of immigration status.

11. New York's Community Action Agencies serve the most vulnerable communities in the State. Those served are extremely low-income, and many are unhoused. Community Action Agencies provide food, housing assistance, and emergency services, among many other things. For example, a Community Action Agency provides targeted resources for immigrant communities, including assistance in applying for citizenship. Another Community Action Agency provides services directed at farm workers. Approximately 34 of the Agencies also have Head Start programs available in the same place. I understand Head Start funds are also targeted, threatening to wipe out whole arrays of social services for vulnerable people.

12. CSBG programs are so successful in communities because they are accessible. The federal government has recognized our programs as having great success in countering poverty. For the 2023 federal fiscal year New York's Community Action Agencies, utilizing a variety of funding and donations, served over a half million people. They distributed close to 1.5 million

boxes of food. Community Action Agencies reported over 100,000 children demonstrated improved approaches to learning and close to 200,000 benefitted from before and after-school programming. Over 150,000 participants demonstrated improved physical health and over 130,000 improved their mental health.

13. Some of those who receive services may be undocumented immigrants, but many people also just lack documentation. Unhoused people can lack any government identification at all. In short, while this action may be targeting undocumented immigrants, a far broader array of vulnerable people will suffer, such as Indigenous communities, low-income communities, rural communities, individuals unexpectedly displaced due to emergency circumstances, and formerly incarcerated people, as such communities may experience roadblocks to getting identification or timely access to identification for various reasons.

14. I understand that the HHS PRWORA Notice took effect on Monday, July 14, 2025, and since then, NYSDOS has no mechanism to demonstrate and verify compliance with the new policy. Even though nonprofit entities are exempt from having to verify immigration status, the State is not. NYSDOS is, however, unaware of any way in which it could implement such verification without requiring the Community Action Agencies to ask for identification and examine the immigration and/or citizenship status of all individuals served with CSBG funds. People going to access a soup kitchen or a food bank would have to produce I.D. to get inside, regardless of immigration status. The result is that fewer people will get critical anti-poverty resources due to immigrant communities avoiding services, but also because, generally, people living in poverty may at times lack government identification.

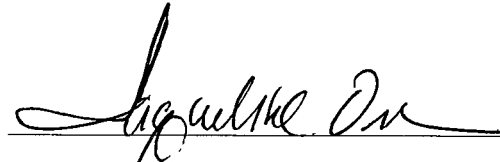
15. If we do not implement some kind of requirement that the Community Action Agencies ask for identification and examine the immigration status of each individual in order to

determine and confirm their eligibility with the new requirement prior to their receipt of CSBG-funded programs and services, and we do not receive some judicial relief, we face the risk of enforcement leading to the loss of federal funds due to our inability to verify and demonstrate compliance, not to mention any other enforcement the agency wishes to impose on NYSDOS. The HHS PRWORA Notice is not clear as to whether grantees could face clawbacks for funding utilized since July 14.

16. CSBG is a high-impact, low-cost program that strengthens the state's capacity to fight poverty through local innovation, flexibility, and accountability. Adding additional requirements for vulnerable families to receive critical services will lessen the depth and width of the program, resulting in more families with unmet needs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of July 2025, in Albany, New York.

A handwritten signature in black ink, appearing to read "Jacqueline Orr", written over a horizontal line.

Jacqueline Orr  
Director, Division of Community Services  
New York State Department of State